



# WISCONSIN REGULATORY DIGEST

A Publication of the  
**CHIROPRACTIC EXAMINING BOARD**

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JUNE 2002

## Secretary Herrera Appoints New Deputy

In January, DRL Secretary Oscar Herrera, announced the appointment of **Greg Horstman** as Deputy Secretary. Horstman, a La Crosse native, joined the Department from a distinguished executive management career in the private sector. "I'm excited to serve the State of Wisconsin under Governor McCallum and to play an instrumental role in Secretary Herrera's leadership team", said Horstman. In concert with the Governor's directive to strengthen and streamline services to all constituents, Horstman will draw on his business experience to help spearhead the Department's new efforts in this area. Horstman, a graduate of the University of Wisconsin - Madison, resides in Watertown.

## CHIROPRACTIC EXAMINING BOARD

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Greg Horstman, Deputy Secretary  
Myra Shelton, Executive Assistant

## Policy Interpretations

The following policy interpretations have been made by the board on earlier occasions and are reprinted here for reference.

- Massage therapy is within the scope of chiropractic.
- Homeopathy is not within the scope of chiropractic.
- Fitting or prescribing orthotics is within the scope of chiropractic.
- Use of magnets for therapeutic effect is not within the scope of chiropractic.
- Manipulation Under Anesthesia (MUA) does not constitute chiropractic treatment utilizing drugs. With MUA, a chiropractor performs a chiropractic adjustment while the patient is sedated under the care of an anesthesiologist who is a licensed physician with a credential to practice medicine and utilize drugs. Minimum guidelines for MUA training and practice protocol for chiropractors are that the chiropractor must have completed a course in a CCE-approved program and must have performed at least 15 supervised procedures. In addition, the patient must go through other manipulation before undergoing MUA.

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- Electrocardiograph and spirometer instruments may be used as diagnostic tools within the scope of chiropractic.
- Iontophoresis, as the subcutaneous delivery via electric current of a drug as defined in the statutes, is not within the scope of chiropractic. Invasive procedures are prohibited by sec. Chir 4.05(1)(b). The administration of drugs is prohibited by sec. Chir 4.05(1)(d).
- The diagnosis and treatment of temporomandibular joint syndrome (TMJ) is within the scope of chiropractic.
- Surface Electromyography (SEMG) may be utilized by a chiropractor for diagnostic purposes, if the chiropractor has completed a 12-hour training program approved by the board. An unlicensed person may operate SEMG equipment under the direct supervision of a chiropractor, if the unlicensed person has completed a 6-hour training program approved by the board.
- Needle Electromyography (NEMG) may be utilized by chiropractors for diagnostic purposes. NEMG equipment may be operated only by a chiropractor who has the education, training, and experience necessary to be eligible for, or has been admitted to, diplomate status by the American Board of Chiropractic Neurology (DABCN or DACNB).

#### **CPR Requirement**

**By January 1, 2003, the next renewal date for chiropractic licenses, every chiropractor will be required to be certified in cardiopulmonary resuscitation (CPR).** The Red Cross and the American Heart Association offer acceptable courses, but the requirement is general: any course of any duration offered by any organization that provides certification will suffice. CPR training will not be accepted for continuing education credit. As with continuing education, licensees will probably not be required to submit evidence of that certification with their application for renewal; depending on the way the renewal form is designed, the licensee will probably be required merely to verify compliance on the renewal form. If audited, however, the licensee will need to show evidence of certification, or be subject to disciplinary action.

#### **Fee-splitting or Fraudulent Billing Through Use of Diagnostic Testing Services.**

The Board has recently been approached by providers of certain diagnostic testing services seeking approval of agreements under which a chiropractor refers a patient to the service, which performs and interprets a diagnostic test. A problem arises if the testing service bills for the technical component and the referring chiropractor bills for the professional component. Practitioners should be aware that an arrangement that permits a chiropractor to bill for services not performed may be either fraudulent or fee-splitting.

#### **[www.drl.state.wi.us](http://www.drl.state.wi.us)**

Did you know that these digests, along with many other informational materials, are on the Department's Web site? Monthly press releases of disciplinary actions and complete disciplinary orders for each case are also posted on the web site. In addition, you can check on the status of a pending application or a credential holder's record. You can also e-mail an address change, question, or suggestion via the web site. Future goals for the Department will be to post applications for downloading and provide online renewal of credentials. If you haven't looked at the website lately, check it out for insights and answers to a variety of questions.

#### **Disciplinary Actions**

##### **GENE E VRADENBURG, DC**

EAU CLAIRE WI REVOKED/COSTS  
Engaged in sexual contact with two patients while they were his patients. Effective 3/26/2002. Chir 6.02(2),(7), Wis. Admin. Code Case #LS0108311CHI

##### **RICHARD L HORAITIS, DC**

HUBERTUS WI SUSPENDED  
Engaged in conduct with two patients while they were his patients, which included sexual contact, exposure, gratification, and other sexual behavior with or in the presence of a patient. Suspended for 12 months. Pay costs of the proceeding. Effective 3/4/2002. Sec. 446.03(5), Wis. Stats. Chir 6.02(1),(7), Wis. Admin. Code Case #LS0110121CHI

## **Board Position on Physical Therapy Legislation (Act 70)**

The responsibility of the Chiropractic Examining Board is to protect the safety the public. The Board reviews proposed legislation to ensure that no proposals influencing chiropractic healthcare in Wisconsin will endanger the public. In that light, the Board carefully reviewed the legislative proposals presented in Assembly Bill 615 and Senate Bill 305, and responded via personal and written testimony against both bills in the Senate and Assembly Hearings.

### **The Board found that the language contained in both bills endangered the public in the following manner:**

1. The proposed language allowed physical therapists to diagnose conditions. It was the Board's opinion that physical therapists do not have the proper educational or clinical training to diagnose conditions.

The Wisconsin Chiropractic Association also noted this concern in letters to its members. The Board believes that permitting a healthcare provider to diagnose without proper training creates enough danger that the bill should have been stopped immediately as a serious threat to the safety of the public.

In its investigation of this issue, the Board requested the core curricula of Wisconsin based physical therapy schools. The PT curriculum at the University of Wisconsin contained 8 credit hours on "assessment and or evaluation", and the PT curriculum at UW-La Crosse provided 16 credit hours of evaluation and assessment. The Board found that differential diagnosis was not only not a core class in any of the school's curricula, it was never even mentioned.

Differential diagnosis is the key to knowing if the condition that you are examining is within the scope of your clinical and educational training. Without this ability, the chance of misdiagnosing a condition and causing improper or ineffective treatment is great. In addition, physical therapists do not receive training in taking or reading x-rays, which is essential for the proper diagnosis of musculoskeletal conditions. Finally, the idea that physical therapists could simply examine for musculoskeletal conditions is a fallacy, as there are multiple systemic conditions that mimic neuromusculoskeletal conditions and could be misdiagnosed.

2. The proposed language allowed physical therapists to perform manipulations of the

joints of the spine without proper education or clinical training.

Language in the bills specified that physical therapists could not "claim" to provide a chiropractic manipulation, but it did not prevent such manipulation and even seemed to open the door to it under some other name, since the word "manipulation" was not previously included in the laws related to physical therapy.

Risks associated with cervical spine manipulation include stroke, broken ribs in the thoracic spine, and aggravation or creation of disc herniation in the lumbar spine. In the hands of a competent doctor of chiropractic, complications from spinal manipulations are low, but the risks of physical therapists attempting to practice chiropractic by performing manipulations or adjustments to the spine and pelvis are significant. The 1998 article in the Journal of Manipulative and Physiological Therapeutics relating to the dangers of physical therapists attempting to manipulate the spine found that doctors of chiropractic perform approximately 94% of the spinal manipulations, while physical therapists and other practitioners provide the remaining 6%. Physical therapists had a significantly higher ratio of severe complications due to lack of skills and training.

The Chiropractic Examining Board also requested the curricula of Wisconsin-based physical therapy schools with regard to "manipulations", and found that none of them contained spinal manipulation training. Queries to representatives of the PT profession at Board meetings confirmed that physical therapy students do not receive instruction regarding spinal manipulation in any of the training, though they may be exposed to it in post-graduate education.

In summary, because of the danger to the public of allowing an untrained healthcare provider to manipulate the spine, the Board sought to modify the language of the bill. However, the bill was passed as written, and signed into law as Act 70. **The Board believes that the recently passed PT legislation endangers the public by greatly expanding the scope of practice of physical therapy beyond those skills in which a physical therapist is educated and trained.** The Board will continue to pursue the issue for the protection of the public, through the legislative and rule promulgation process.

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To contact the Department, just dial (608) 266-2112, then enter the Quick Key numbers below for the assistance you need:

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To check the status of a pending application:	press 1 - 2
To discuss application questions:	press 1 - 3
To discuss temporary license questions:	press 1 - 3
To renew or reinstate a permanent license:	press 1 - 4
To renew or reinstate a permanent license:	press 2 - 1
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To find out if a person is licensed:	press 3 - 2
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## VERIFICATIONS

Verifications are now available online at [www.drl.state.wi.us](http://www.drl.state.wi.us). On the Department Web site, please click on "License Lookup". If you do not use the online system, all requests for verification of licenses/credentials must be submitted in writing. There is no charge for this service. Requests should be sent to the Department address or may be faxed to (608) 261-7083 - ATTENTION: VERIFICATIONS. Requests for endorsements to other states must be made in writing - include \$10 payable to the Department.

## 2002 CHIROPRACTIC BOARD MEETINGS:

July 18, August 22, September 19,  
**October 17, November 21, December 19.**

## DID YOU KNOW THAT YOU CAN ACCESS MOST INFORMATION ON THE DEPARTMENT OF REGULATION & LICENSING WEB SITE?

Visit the Department's Web site at

**[www.drl.state.wi.us](http://www.drl.state.wi.us)**

Send comments to: [web@drl.state.wi.us](mailto:web@drl.state.wi.us)

## CHANGE OF NAME OR ADDRESS?

Please photocopy the mailing label of this digest, make changes in name or address, and return it to the Department. Confirmation of changes is not automatically provided. **WIS. STATS. S. 440.11 ALLOWS FOR A \$50 PENALTY TO BE IMPOSED WHEN CHANGES ARE NOT REPORTED WITHIN 30 DAYS.**

## WISCONSIN STATUTES AND CODE

Copies of the Wisconsin Statutes and Administrative Code relating to the Practice of Chiropractic can be ordered through the Board Office. Include your name, address, county and a check payable to the Department of Regulation and Licensing in the amount of \$5.28. The latest edition of the Code Book is dated March 2002.